

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

CHARLOTTE HORTON, as guardian of Anna R.
Richardson,

Plaintiff,

vs.

COUNTRY MORTGAGE SERVICES, INC.; FREEMONT
INVESTMENT AND LOAN CO., and MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC.,

Defendants.

2007 CV 6530

Judge Lindberg

Magistrate Nolan

FREEMONT INVESTMENT AND LOAN CO.,

Cross-Plaintiff,

vs.

COUNTRY MORTGAGE SERVICES, INC.

Cross-Defendant.

**DEFENDANT COUNTRY MORTGAGE SERVICES, INC.'S
VERIFICATION OF COMPLIANCE WITH FRCP 11(c)(2)**

RONALD D. MENNA, JR., states and deposes as follows:

1. I am an attorney licensed to practice in the State of Illinois since 1988, am a member of the Trial Bar for the United States District Court for the Northern District of Illinois, am a shareholder of Fischel & Kahn, Ltd. and am one of the attorneys primarily responsible for the defense of Defendant, COUNTRY MORTGAGE SERVICES, INC. ("CMSI") in the above captioned matter.

2. This affidavit is given to verify Defendant, CMSI's compliance with FRCP 11(c)(2).

3. On May 12, 2008, we served Plaintiff's attorney, Lloyd Brooks, with Defendant, CMSI's Second FRCP 11 Motion for Sanctions against Plaintiff by depositing the same in the United States Mail, first class postage prepaid. A true and accurate copy of the cover letter sent to Mr. Brooks with the FRCP 11 Motion is attached hereto as Exhibit "1", and is incorporated herein by reference.

4. The Motion requests the imposition of sanctions for the filing of a meritless and time barred Second Amended Complaint against Defendant, CMSI.

5. FRCP 11 provides, in the relevant part, as follows:

Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

* * *

(c) SANCTIONS.

* * *

(2) *Motion for Sanctions.* A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

* * *

6. FRCP 5 provides, in the relevant part, as follows:

Rule 5. Servicing And Filing Pleadings And Other Papers

* * *

(b) SERVICE: HOW MADE.

(1) *Serving an Attorney.* If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party.

(2) *Service in General.* A paper is served under this rule by:

* * *

(C) mailing it to the person's last known address — in which event service is complete upon mailing; * * *

7. FRCP 6 provides, in the relevant part, as follows:

Rule 6. Computing and Extending Time; Time for Motion Papers

* * *

(d) ADDITIONAL TIME AFTER CERTAIN KINDS OF SERVICE. When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

8. Accordingly, due to service by mail and pursuant to FRCP 5, 6, and 11, Plaintiff had twenty-four (24) days, until June 5, 2008, to voluntarily dismiss CMSI, before which time the instant Second FRCP 11 Motion for Sanctions Against Plaintiff could not be filed.

9. On June 6, 2008, I checked this Court's docket using the CM/ECF system to determine whether Plaintiff had voluntarily dismissed CMSI as a party defendant.

10. The docket reflects that as of 9:52 A.M. on June 6, 2008, Plaintiff has not voluntarily dismissed CMSI as a party defendant. A complete, true and accurate copy of this Court's docket is attached hereto as Exhibit "2".

11. I am over 18 years of age and, if called, would competently testify to the foregoing based upon personal knowledge.

12. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on June 6, 2008.

/s/ Ronald D. Menna, Jr.
Ronald D. Menna, Jr.

FISCHEL & KAHN, LTD.
Suite 2850, 190 South LaSalle Street
Chicago, Illinois 60603-3412
312-726-0440 312-726-1448 [FAX]

W:\DWI\T73-40 COUNTRY MORTGAGE SERVICES ADV RICHARDSON (RDM)\PLEADINGS\RULE 11 VERIFICATION.DOC

**FISCHEL
& KAHN, LTD.**

Attorneys at Law Established 1919

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May 12, 2008

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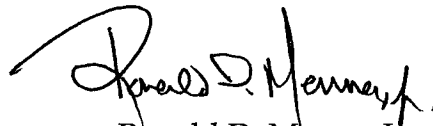
Ralph T. Wutscher
Roberts Wutscher, LLP.
Suite 3500
10 S. LaSalle Street
Chicago, Illinois 60603

Re: *Horton v. Country Mortgage Services, Inc., et al*
Case No. 2007 cv 6530

Dear Counsel:

This letter is written pursuant to FRCP 11(c)(1)(A). Enclosed please find a copy of Country Mortgage Services, Inc.'s Second FRCP 11 Motion for Sanctions Against Plaintiff.

Very truly yours,
FISCHEL & KAHN, LTD.


Ronald D. Menna, Jr.

Enclosure

RDM:at

cc: Country Mortgage Services, Inc. (without enclosures)
David W. Inlander, Esq. (without enclosures)
Country Mortgage Services, Inc. (via e-mail, with enclosures)

W:\DWIT73-40 Country Mortgage Services adv Richardson (RDM)\Correspondence\All EPF 2008-05-12.doc

Exhibit "1"

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4083
RECIPIENT ADDRESS 17088418080
DESTINATION ID
ST. TIME 05/12 08:55
TIME USE 08'21
PAGES SENT 30
RESULT OK

**FISCHEL
& KAHN, LTD.**
Attorneys at Law Established 1919

SUITE 2850
190 SOUTH LASALLE STREET
CHICAGO, IL 60603
(312) 726-0440
FAX: (312) 726-1448

TO: Lloyd J. Brooks

The Brooks Law Firm

FAX NO.: 708-841-8080

FROM: RONALD D. MENNA, JR. E-MAIL: RMenna@fischelkahn.com

DATE: May 12, 2008 TIME: 9:54 AM

☐ Original will not follow ☒ Original will follow by: U.S. Mail
☐ Please call upon receipt ☐ Response needed by: _____
☐ For your approval/suggestions ☐ Other message: _____

RE: Horton v. Country Mortgage Services, Inc., et al.

NUMBER OF PAGES INCLUDING COVER SHEET - 30 -

IF YOU HAVE ANY QUESTIONS REGARDING THIS FAX PLEASE CONTACT ALMA TOLEDO.

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United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 3.2.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-06530

Horton v. Country Mortgage Services, Inc. et al
Assigned to: Honorable George W. Lindberg
Cause: 15:1601 Truth in Lending

Date Filed: 11/19/2007
Jury Demand: Both
Nature of Suit: 480 Consumer Credit
Jurisdiction: Federal Question

| Date Filed | # | Docket Text |
|------------|-----------|---|
| 11/19/2007 | <u>1</u> | COMPLAINT filed by Charlotte Horton; Jury Demand. Filing fee \$ 350. (Attachments: # <u>1</u> Exhibits)(gmr,) (Entered: 11/20/2007) |
| 11/19/2007 | <u>2</u> | CIVIL Cover Sheet. (gmr,) (Entered: 11/20/2007) |
| 11/19/2007 | <u>3</u> | ATTORNEY Appearance for Plaintiff Charlotte Horton by Lloyd J Brooks. (gmr,) (Entered: 11/20/2007) |
| 11/19/2007 | <u>5</u> | SUMMONS Issued as to Defendants Country Mortgage Services, Inc., Fremont Investment & Loan, Mortgage Electronic Registration Systems, Inc. (gmr,) (Entered: 11/20/2007) |
| 12/07/2007 | <u>6</u> | MINUTE entry before Judge George W. Lindberg :Status hearing set for 1/30/2008 at 09:30 AM.Mailed notice (slb,) (Entered: 12/07/2007) |
| 01/04/2008 | <u>7</u> | ATTORNEY Appearance for Defendant Country Mortgage Services, Inc. by David W. Inlander (Inlander, David) (Entered: 01/04/2008) |
| 01/04/2008 | <u>8</u> | ATTORNEY Appearance for Defendant Country Mortgage Services, Inc. by Ronald D. Menna, Jr (Menna, Ronald) (Entered: 01/04/2008) |
| 01/04/2008 | <u>9</u> | MOTION by Defendant Country Mortgage Services, Inc. to dismiss, MOTION by Defendant Country Mortgage Services, Inc. for more definite statement, MOTION by Defendant Country Mortgage Services, Inc. to strike complaint <u>1</u> (Menna, Ronald) (Entered: 01/04/2008) |
| 01/04/2008 | <u>10</u> | NOTICE of Motion by Ronald D. Menna, Jr for presentment of motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9</u> before Honorable George W. Lindberg on 1/30/2008 at 09:30 AM. (Menna, Ronald) (Entered: 01/04/2008) |
| 01/16/2008 | <u>11</u> | ATTORNEY Appearance for Defendant Fremont Investment & Loan by Amy E Bullock (Bullock, Amy) (Entered: 01/16/2008) |
| 01/18/2008 | <u>12</u> | ATTORNEY Appearance for Defendants Fremont Investment & Loan, Mortgage Electronic Registration Systems, Inc. by J. Michael Williams <i>solely as to defense of the claims in Count II</i> (Williams, J.) (Entered: 01/18/2008) |
| 01/18/2008 | <u>13</u> | ATTORNEY Appearance for Defendant Mortgage Electronic Registration Systems, Inc. by Amy E Bullock (Bullock, Amy) (Entered: 01/18/2008) |
| 01/18/2008 | <u>14</u> | ANSWER to Complaint <i>and Affirmative Defenses</i> by Fremont Investment & Loan, Mortgage Electronic Registration Systems, Inc. (Wutscher, Ralph) (Entered: 01/18/2008) |
| 01/18/2008 | <u>15</u> | ATTORNEY Appearance for Defendants Fremont Investment & Loan, Mortgage Electronic Registration Systems, Inc. by Ralph T. Wutscher (Wutscher, Ralph) (Entered: 01/18/2008) |
| 01/18/2008 | <u>16</u> | NOTICE by Fremont Investment & Loan, Mortgage Electronic Registration Systems, Inc. re answer to complaint <u>14</u> <i>and Affirmative Defenses</i> (Wutscher, Ralph) (Entered: 01/18/2008) |

| | | |
|------------|-----------|---|
| 01/28/2008 | <u>17</u> | CROSSCLAIM by Fremont Investment & Loan against Country Mortgage Services, Inc., THIRD party complaint by Fremont Investment & Loan against Absolute Title Services, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Wutscher, Ralph) (Entered: 01/28/2008) |
| 01/28/2008 | <u>18</u> | NOTICE by Fremont Investment & Loan re crossclaim, third party complaint <u>17</u> (Wutscher, Ralph) (Entered: 01/28/2008) |
| 01/30/2008 | <u>19</u> | MINUTE entry before Judge George W. Lindberg : Status hearing held and continued to 2/21/2008 at 9:00a.m. Response to the motion to dismiss due 2/13/2008. Reply due 2/20/2008. Ruling set for 3/19/2008 at 9:30a.m.Mailed notice (slb,) (Entered: 01/30/2008) |
| 01/30/2008 | <u>20</u> | MINUTE entry before Judge George W. Lindberg :Defendant's cross-claim <u>17</u> is stricken because a crossclaim is not to be filed as separate document must be pled as part of the answer. See FRCP 7(a), 13(g). Defendant is granted leave to file an amended answer pleading its cross-claim. In contrast, defendant's third party claim is to be pled in a separate pleading. See FRCP 7, 14(a). Mailed notice (gmr,) (Entered: 01/31/2008) |
| 02/01/2008 | <u>21</u> | <i>Amended ANSWER to Complaint and Affirmative Defenses, with CROSSCLAIM by Fremont Investment & Loan, Mortgage Electronic Registration Systems, Inc. against Country Mortgage Services, Inc. by Fremont Investment & Loan, Mortgage Electronic Registration Systems, Inc. (Attachments: # <u>1</u> Exhibit A)(Wutscher, Ralph) (Entered: 02/01/2008)</i> |
| 02/01/2008 | <u>22</u> | NOTICE by Fremont Investment & Loan(a California corporation), Mortgage Electronic Registration Systems, Inc. re answer to complaint,, crossclaim, <u>21</u> (Wutscher, Ralph) (Entered: 02/01/2008) |
| 02/04/2008 | <u>23</u> | SUMMONS Issued as to Third Party Defendant Absolute Title Services, Inc. (rp,) (Entered: 02/05/2008) |
| 02/06/2008 | <u>24</u> | AFFIDAVIT of Service filed by ThirdParty Plaintiff Fremont Investment & Loan regarding Third Party Complaint <i>against Absolute Title Services, Inc.</i> served on Registered Agent on Feb. 5, 2008 (Wutscher, Ralph) (Entered: 02/06/2008) |
| 02/06/2008 | <u>25</u> | NOTICE by Fremont Investment & Loan re affidavit of service <u>24 as to Absolute Title Services, Inc.</u> (Wutscher, Ralph) (Entered: 02/06/2008) |
| 02/20/2008 | <u>26</u> | ATTORNEY Appearance for Third Party Defendant Absolute Title Services, Inc. by David A. Ward (Ward, David) (Entered: 02/20/2008) |
| 02/21/2008 | <u>27</u> | MINUTE entry before Judge George W. Lindberg : Status hearing held and continued to 3/19/2008 at 9:30a.m.Mailed notice (slb,) (Entered: 02/21/2008) |
| 02/21/2008 | <u>28</u> | MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9</u> (Brooks, Lloyd) (Entered: 02/21/2008) |
| 02/21/2008 | <u>29</u> | NOTICE by Charlotte Horton re MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9</u> <u>28</u> (Brooks, Lloyd) (Entered: 02/21/2008) |
| 02/21/2008 | <u>30</u> | MOTION by Plaintiff Charlotte Horton to amend/correct MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9</u> <u>28</u> , MOTION by Defendant Country Mortgage Services, Inc. to dismissMOTION by Defendant Country Mortgage Services, Inc.for more definite statementMOTION by Defendant Country Mortgage Services, Inc. to strike complaint <u>1</u> <u>9</u> |

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| | | (Brooks, Lloyd) (Entered: 02/21/2008) |
| 02/21/2008 | <u>31</u> | NOTICE by Charlotte Horton re MOTION by Plaintiff Charlotte Horton to amend/correct MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9 28</u> , MOTION by DeMOTION by Plaintiff Charlotte Horton to amend/correct MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9 28</u> , MOTION by De <u>30</u> (Brooks, Lloyd) (Entered: 02/21/2008) |
| 02/22/2008 | <u>32</u> | RESPONSE by Charlotte Hortonin Opposition to MOTION by Defendant Country Mortgage Services, Inc. to dismissMOTION by Defendant Country Mortgage Services, Inc.for more definite statementMOTION by Defendant Country Mortgage Services, Inc. to strike complaint <u>1 9</u> (Attachments: # <u>1</u> Exhibit Plaintiff's Letters of Administration for Estate of Anna Richardson)(Brooks, Lloyd) (Entered: 02/22/2008) |
| 02/22/2008 | <u>33</u> | NOTICE by Charlotte Horton re response in opposition to motion, <u>32</u> (Brooks, Lloyd) (Entered: 02/22/2008) |
| 02/25/2008 | <u>34</u> | ANSWER to Third Party Complaint <i>and Affirmative Defenses</i> by Absolute Title Services, Inc.(Ward, David) (Entered: 02/25/2008) |
| 02/25/2008 | <u>35</u> | NOTICE by Absolute Title Services, Inc. re answer to third party complaint <u>34</u> <i>Notice of Filing</i> (Ward, David) (Entered: 02/25/2008) |
| 02/26/2008 | <u>36</u> | MOTION by Third Party Defendant Absolute Title Services, Inc. for discovery <i>and to set Rule 16(b)(1) dates</i> (Ward, David) (Entered: 02/26/2008) |
| 02/26/2008 | <u>37</u> | NOTICE of Motion by David A. Ward for presentment of motion for discovery <u>36</u> before Honorable George W. Lindberg on 3/19/2008 at 09:30 AM. (Ward, David) (Entered: 02/26/2008) |
| 02/26/2008 | <u>38</u> | Incorrect pdf linked to entry (Menna, Ronald) Modified by Clerk's Office on 2/26/2008 (Entered: 02/26/2008) |
| 02/26/2008 | <u>39</u> | NOTICE by Country Mortgage Services, Inc. re response in opposition to motion,,, <u>38</u> (Menna, Ronald) (Entered: 02/26/2008) |
| 02/26/2008 | <u>40</u> | MOTION by Defendant Country Mortgage Services, Inc. to strike response in opposition to motion, <u>32</u> (Menna, Ronald) (Entered: 02/26/2008) |
| 02/26/2008 | <u>41</u> | NOTICE of Motion by Ronald D. Menna, Jr for presentment of motion to strike, motion for relief <u>40</u> before Honorable George W. Lindberg on 3/5/2008 at 09:30 AM. (Menna, Ronald) (Entered: 02/26/2008) |
| 02/26/2008 | <u>42</u> | NOTICE of Correction regarding response in opposition to motion <u>38</u> . Incorrect pdf linked to entry. (td,) (Entered: 02/26/2008) |
| 02/26/2008 | <u>43</u> | RESPONSE by Country Mortgage Services, Inc.in Opposition to MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9 28</u> , MOTION by Plaintiff Charlotte Horton to amend/correct MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9 28</u> , MOTION by DeMOTION by Plaintiff Charlotte Horton to amend/correct MOTION by Plaintiff Charlotte Horton for extension of time to file response/reply as to motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>9 28</u> , MOTION by De <u>30</u> <i>Corrected</i> (Menna, Ronald) (Entered: 02/26/2008) |

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| 03/05/2008 | <u>44</u> | MINUTE entry before Judge George W. Lindberg : Status hearing hearing set for 4/16/2008 at 9:30a.m. Leave of court is given to the plaintiff to file an amended complaint.Mailed notice (slb,) (Entered: 03/05/2008) |
| 03/05/2008 | <u>45</u> | MINUTE entry before Judge George W. Lindberg : Discovery cutoff set for 7/9/2008. Discovery hearing set for 6/11/2008 at 9:30a.m. Motion for summary judgment due 7/30/2008. Response to the motion for summary judgment due 8/13/2008. Reply due 8/20/2008. Ruling set for 9/17/2008 at 9:30a.m. Proposed final pretrial order to be submitted to chambers by 2:00p.m. on 9/29/2008. Jury trial set for 10/14/2008 at 10:00a.m.Mailed notice (slb,) (Entered: 03/05/2008) |
| 03/05/2008 | <u>46</u> | MINUTE entry before Judge George W. Lindberg: Plaintiff's corrected motion for extension of time to file response brief <u>30</u> is denied for failure to make a showing of excusable neglect. See FRCP 6(b)(1)(B). Defendant's motion to strike response in opposition to motion <u>40</u> is granted. The response <u>32</u> is stricken. Defendant's motion to dismiss counts III and IV of the complaint is granted. The RESPA, claims of count III are barred by the statute of limitations, and the fraud claim of Count IV fails to state a claim upon which relief may be granted. See 12 USC 2607(c). Mailed(vmj,) (Entered: 03/06/2008) |
| 03/11/2008 | <u>47</u> | MINUTE entry before Judge George W. Lindberg : MOTION by Third Party Defendant Absolute Title Services, Inc. for discovery and to set Rule 16(b)(1) dates is moot.Mailed notice (slb,) (Entered: 03/11/2008) |
| 04/04/2008 | <u>48</u> | <i>First</i> AMENDED complaint by Charlotte Horton against Country Mortgage Services, Inc., Fremont Investment &Loan, Mortgage Electronic Registration Systems, Inc. (Attachments: # <u>1</u> Exhibit Exhibits to Complaint)(Brooks, Lloyd) (Entered: 04/04/2008) |
| 04/04/2008 | <u>49</u> | NOTICE by Charlotte Horton re amended complaint <u>48</u> (Brooks, Lloyd) (Entered: 04/04/2008) |
| 04/04/2008 | <u>50</u> | NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Fremont Investment &Loan(a California corporation) (Wutscher, Ralph) (Entered: 04/04/2008) |
| 04/04/2008 | <u>51</u> | NOTICE by Fremont Investment &Loan(a California corporation) re notification of affiliates pursuant to local rule 3.2 <u>50</u> (Wutscher, Ralph) (Entered: 04/04/2008) |
| 04/08/2008 | <u>52</u> | <i>Fremont's and MERS's</i> ANSWER to amended complaint <i>and Affirmative Defenses</i> , CROSSCLAIM by Fremont Investment &Loan(a California corporation) against Country Mortgage Services, Inc.(an Illinois corporation). by Fremont Investment &Loan(a California corporation) (Attachments: # <u>1</u> Exhibit A)(Wutscher, Ralph) (Entered: 04/08/2008) |
| 04/08/2008 | <u>53</u> | NOTICE by Fremont Investment &Loan(a California corporation) re answer to amended complaint,, crossclaim, <u>52</u> (Wutscher, Ralph) (Entered: 04/08/2008) |
| 04/16/2008 | <u>54</u> | MINUTE entry before Judge Honorable George W. Lindberg:Status hearing held and continued to 6/11/2008 at 9:30a.m. Leave of court is given to the plaintiff to file an amended compliant on or before 4/21/2008.Mailed notice (slb,) (Entered: 04/16/2008) |
| 04/21/2008 | <u>55</u> | <i>Second</i> AMENDED complaint by Charlotte Horton against Wells Fargo Bank, N.A., Country Mortgage Services, Inc., Fremont Investment &Loan, Mortgage Electronic Registration Systems, Inc. (Attachments: # <u>1</u> Exhibit Exhibits to Second Amended Complaint)(Brooks, Lloyd) (Entered: 04/21/2008) |
| 04/21/2008 | <u>56</u> | NOTICE by Charlotte Horton re amended complaint, <u>55</u> (Brooks, Lloyd) (Entered: 04/21/2008) |

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| 04/30/2008 | <u>57</u> | Affirmative Defenses and ANSWER to amended complaint (<i>Second</i>), CROSSCLAIM by Fremont Investment & Loan(a California corporation), Mortgage Electronic Registration Systems, Inc. against Country Mortgage Services, Inc.(an Illinois corporation). by Fremont Investment & Loan(a California corporation), Mortgage Electronic Registration Systems, Inc. (Attachments: # <u>1</u> Exhibit Ex. A)(Wutscher, Ralph) (Entered: 04/30/2008) |
| 04/30/2008 | <u>58</u> | NOTICE by Fremont Investment & Loan(a California corporation), Mortgage Electronic Registration Systems, Inc.(a Delaware corporation) re answer to amended complaint,, crossclaim, <u>57</u> (Wutscher, Ralph) (Entered: 04/30/2008) |
| 04/30/2008 | <u>59</u> | SUMMONS Issued as to Defendant Wells Fargo Bank, N.A. (ca,) (Entered: 05/02/2008) |
| 05/12/2008 | <u>60</u> | MOTION by Defendant Country Mortgage Services, Inc. to dismiss, MOTION by Defendant Country Mortgage Services, Inc.for more definite statement, MOTION by Defendant Country Mortgage Services, Inc. to strike amended complaint, <u>55</u> (Menna, Ronald) (Entered: 05/12/2008) |
| 05/12/2008 | <u>61</u> | NOTICE of Motion by Ronald D. Menna, Jr for presentment of motion to dismiss, motion for more definite statement, motion to strike, motion for relief <u>60</u> before Honorable George W. Lindberg on 5/21/2008 at 09:30 AM. (Menna, Ronald) (Entered: 05/12/2008) |
| 05/14/2008 | <u>62</u> | MINUTE entry before Judge Honorable George W. Lindberg: The status hearing scheduled for 6/11/2008 is stricken. Status hearing reset to 6/25/2008 at 9:30a.m. Response due 5/28/2008 to defendant Country Mortgage Services, Inc. motion to dismiss, motion for more definite statement, and motion to strike the amended complaint. Reply due 6/5/2008. Ruling set for 6/25/2008 at 9:30a.m. No court appearance required on 5/21/2008.Mailed notice (slb,) (Entered: 05/14/2008) |
| 05/28/2008 | <u>63</u> | RESPONSE by Charlotte Hortonin Opposition to MOTION by Defendant Country Mortgage Services, Inc. to dismissMOTION by Defendant Country Mortgage Services, Inc.for more definite statementMOTION by Defendant Country Mortgage Services, Inc. to strike amended complaint, <u>55</u> <u>60</u> (Brooks, Lloyd) (Entered: 05/28/2008) |
| 05/28/2008 | <u>64</u> | NOTICE by Charlotte Horton re response in opposition to motion, <u>63</u> (Brooks, Lloyd) (Entered: 05/28/2008) |
| 05/28/2008 | <u>65</u> | NOTICE by Ralph T. Wutscher of Change of Address (Wutscher, Ralph) (Entered: 05/28/2008) |
| 05/28/2008 | <u>66</u> | NOTICE by Fremont Investment & Loan(a California corporation), Mortgage Electronic Registration Systems, Inc.(a Delaware corporation) re notice of change of address <u>65</u> (Wutscher, Ralph) (Entered: 05/28/2008) |
| 05/28/2008 | <u>67</u> | AMENDED response in opposition to motion, <u>63</u> by Charlotte Horton <i>Corrected and Final</i> (Brooks, Lloyd) (Entered: 05/28/2008) |
| 06/04/2008 | <u>68</u> | ATTORNEY Appearance for Defendant Wells Fargo Bank, N.A. by Thomas M. Crawford (Crawford, Thomas) (Entered: 06/04/2008) |
| 06/04/2008 | <u>69</u> | MOTION by Defendant Wells Fargo Bank, N.A. for extension of time to file answer regarding amended complaint, <u>55</u> (<i>To File Responsive Pleading to Second Amended Complaint</i>) (Crawford, Thomas) (Entered: 06/04/2008) |
| 06/04/2008 | <u>70</u> | NOTICE of Motion by Thomas M. Crawford for presentment of motion for extension of time to file answer, motion for relief <u>69</u> before Honorable George W. Lindberg on 6/11/2008 at 09:30 AM. (Crawford, Thomas) (Entered: 06/04/2008) |

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| 06/05/2008 | <u>71</u> | MINUTE entry before the Honorable George W. Lindberg: Wells Fargo Bank, N.A. d/b/a America's Servicing Company motion to allow Wells Fargo until July 7, 2008, to file responsive pleading to Plaintiff's Second Amended Complaint is granted. Mailed notice (slb,) (Entered: 06/05/2008) |
| 06/05/2008 | <u>72</u> | REPLY by Defendant Country Mortgage Services, Inc. to response in opposition to motion, <u>63</u> , amended document <u>67</u> (Menna, Ronald) (Entered: 06/05/2008) |
| 06/05/2008 | <u>73</u> | NOTICE by Country Mortgage Services, Inc. re reply <u>72</u> (Menna, Ronald) (Entered: 06/05/2008) |
| 06/05/2008 | <u>74</u> | NOTICE by Country Mortgage Services, Inc. re notice of filing <u>73</u> , reply <u>72</u> <i>CORRECTED</i> (Menna, Ronald) (Entered: 06/05/2008) |